

REMARKS

Claims 2-8, 10-16, 26-32, 34-41, 43 and 44 are pending in the present application. Claims 2, 7, 8, 10, 15, 16, 26, 31, 32, 34, 39, and 39-41 are amended. Support for the amendments to claims 2, 10, 26, 34, and 41 is found on page 16, lines 4-22. Support for the amendments to claims 7, 8, 15, 16, 31, 32, 39, and 40 is found on page 16, line 23, to page 17, line 18. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 102, Anticipation

The Office Action rejects claims 2-8, 10-16, 26-32, 34-41, 43 and 44 under 35 U.S.C. § 102 as being anticipated by Carter, III (U.S. Patent No. 5,787,400). This rejection is respectfully traversed.

Carter teaches a method and apparatus for pricing products in multi-level product and organizational groups. The cited portion of *Carter* states:

The price adjustments for a particular purchasing organization are determined by retrieving the price adjustments for that particular purchasing organization as well as the price adjustments for other organizational groups that are above the particular purchasing organization in the organizational groups hierarchy. Likewise, the price adjustments for a particular product are determined by retrieving by retrieving the price adjustments for that particular product as well as the price adjustments for other product groups that are above the particular product in the product groups hierarchy. The invention sorts the various pricing adjustments applicable to a particular product offered to a particular purchasing organization based on several criteria. After the sorting is accomplished the pricing adjustments are applied in sequence to arrive at a final price at which a particular product can be sold to a particular purchasing organization.

Carter, col. 3, lines 46-62. Thus, *Carter* teaches determining a price by identifying price adjustments based on a purchasing organization, an organizational groups hierarchy, a product, and a product groups hierarchy, sorting the price adjustments, and applying the price adjustments.

In contradistinction, the present invention associates one or more calculation rules with a calculation code and associating the calculation code with an item, wherein the calculation code has an associated qualifying method that is used to determine whether the calculation code is to be applied to the item. When the calculation code is applied to the item, the calculation rules are used to determine an amount for a parameter for that item. Claim 2 recites:

2. A method for processing a parameter for an item in an electronic order processing system, said method comprising:
 - providing a plurality of calculation rules for calculating amounts for parameters of items;
 - associating one or more calculation rules from the plurality of calculation rules with a calculation code, wherein the one or more calculation rules are used to produce an amount for a parameter and wherein the calculation code has an associated qualifying method that is used to determine whether the calculation code is to be applied to the item;
 - associating the calculation code with an item;
 - responsive to initiating application of the calculation code to the item, using the qualifying method to determine whether to apply the calculation code to the item; and
 - responsive to a determination that the calculation code is to be applied to the item, using the one or more calculation rules to produce an amount for the parameter for the item; and
 - providing the amount to an output device.

Carter fails to teach or suggest associating one or more calculation rules with an item through association with a calculation code, wherein the calculation code has an associated qualifying method that is used to determine whether the calculation code is to be applied to the item, as recited in claim 2. More particularly, *Carter* fails to teach or suggest “responsive to initiating application of the calculation code to the item, using the qualifying method to determine whether to apply the calculation code to the item” and “responsive to a determination that the calculation code is to be applied to the item, using the one or more calculation rules to produce an amount for the parameter for the item,” as recited in claim 2.

Since the applied reference fails to teach or suggest each and every claim limitation, claim 2 is not anticipated by *Carter*. Independent claims 10, 26, 34, and 41 recite subject matter addressed above with respect to claim 2 and are allowable for at least the same reasons. Since claims 3-8, 11-16, 27-32, 35-40, 43, and 44 depend from

claims 2, 10, 26, 34, and 41, the same distinctions between *Carter* and the invention recited in claims 2, 10, 26, 34, and 41 apply for these claims. Additionally, claims 3-8, 11-16, 27-32, 35-40, 43, and 44 recite other additional combinations of features not suggested by the reference.

More particularly, claims 7, 15, 31, and 39 recite that each of the plurality of calculation rules has an associated allowable calculation attribute that determines whether the calculation rule may be combined with other calculation rules. Claims 8, 16, 32, and 40 recite that the allowable calculation attribute has a value selected from the group consisting essentially of in combination with, not in combination with, and in addition to. *Carter* does not teach or suggest these features and, thus, *Carter* does not anticipate claims 7, 8, 15, 16, 31, 32, 39, and 40.

Therefore, Applicant respectfully requests withdrawal of the rejection of claims 2-8, 10-16, 26-32, 34-41, 43, and 44 under 35 U.S.C. § 102.

Furthermore, *Carter* does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. *Carter* actually teaches away from the presently claimed invention because it teaches using an organizational groups hierarchy and a product groups hierarchy to identify price adjustments, as opposed to a calculation code that is selectively applied to an item, as in the presently claimed invention. Absent the Office Action pointing out some teaching or incentive to implement *Carter* to associate calculation rules with items through association with a calculation code wherein the calculation code is associated with a qualifying method, one of ordinary skill in the art would not be led to modify *Carter* to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify *Carter* in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Applicant's disclosure as a template to make the necessary changes to reach the claimed invention.

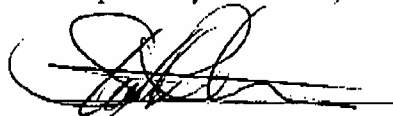
II. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: June 16, 2004

Respectfully submitted,



Stephen R. Tkacs
Reg. No. 46,430
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 367-2001
Agent for Applicant